

**IN THE UNITED STATES OF AMERICA
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
vs.)	Docket No. 5:06cr00003DCB-AGN-001
)	
JACKIE LEE WILLIAMS)	

**ORDER REGARDING SUPERVISED RELEASE VIOLATION HEARING/
TERMINATION OF SUPERVISED RELEASE**

Williams was originally sentenced by U.S. District Judge F.A. Little in Western District of Louisiana Case #01-10004-01, November 13, 2001, after pleading guilty to a violation of 18 U.S.C. § 2313, Sell or Receipt of Stolen Vehicles. He was sentenced to twelve (12) months imprisonment, to be followed by a three (3) year term of supervised release. Williams' term of supervised release began November 25, 2002, in the Southern District of Mississippi, with an original expiration date of November 24, 2005. Williams was also sentenced to a term of probation with the Mississippi Department of Corrections, which ran concurrent with his federal supervised release. As the result of a Warrant issued by his State probation officer, Williams was arrested March 24, 2004, and sentenced to the Hinds County Restitution Center, April 20, 2004, by Adams County Mississippi Circuit Judge State Forest A. Johnson. He remained in the Adams County Jail until May 4, 2004, when he entered the Hinds County Restitution Center. Williams was released from the Hinds County Restitution Center July 16, 2004.

As both time served in the Adams County Jail and the Hinds County Restitution Center were considered State custody, and totaled 115 days, Williams' federal term of supervised release was tolled, per 18 U.S.C. § 3624(e). The new expiration date was February 14, 2006. The Southern District of Mississippi requested and received Transfer of Jurisdiction of this case December 29, 2005. As the result of violations of supervised release conditions, a Summons was issued February 11, 2006 and Williams appeared for a scheduled Revocation Hearing on April 3, 2006.

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Williams' defense counsel requested the Court examine and make a finding concerning the accuracy of State custody time considered for tolling the defendant's federal term of supervised release. It was argued time served in the Hinds County Restitution Center did not constitute "custody;" therefore, Williams' supervised release term would not have been tolled, because the time served in the Adams County Jail was less than thirty (30) days. The hearing was continued pending resolution of this matter.

The Court finds the U.S. Probation Office, acting in good faith, proceeded under 18 U.S.C. § 3624(e) which tolled Williams' term of supervised release. Although no 5th Circuit Court of Appeals case specifically addresses the question of what constitutes "custody", the Court is inclined to rule that tolling was not necessary in this case and Jackie Lee Williams has no further obligation to this Court.

SO ORDERED this the 4th day of May, 2006.

s/ David Bramlette

DAVID C. BRAMLETTE
U.S. DISTRICT COURT JUDGE